

## 15.100 CITIZEN COMPLAINTS

### ***References:***

Manual of Rules and Regulations  
Procedure 12.545, Use of Force

### ***Definitions:***

**Citizen complaint** - an allegation from any source of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order; or in some manner prejudicial to the individual, the Police Department or to the community. In situations involving only the individual's alleging innocence of a charge placed by a police officer, advise the complainant to seek judicial redress through established court procedures.

**Original documents** – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

### ***Policy:***

The Internal Investigations Section (IIS) is to be notified for incidents involving criminal allegations against or suspected criminal conduct by sworn Department members. IIS should be notified in addition to the Duty Officer, the affected district or section commander, and the Night Chief, when applicable. IIS will request appropriate resources as needed from those sections or units that are subject experts in specific areas.

Domestic violence is the exception to this policy. Law and Department procedure require district personnel take immediate action in domestic violence cases based on probable cause. IIS should be notified when Department members are arrested for domestic violence.

This policy does not change or otherwise affect Procedure 12.550, Discharge of Firearms by Police Personnel.

During an investigation, all relevant police activity including each use of force, not just the type of force complained about, will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident.

The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; the Department will continue its investigation as necessary to determine whether the original allegation can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer did or did not use a type of force, nor will it justify discontinuing an investigation.

Department members will not file charges against a complainant for a violation of Ohio Revised Code §2921.15, Making False Allegation of Peace Officer Misconduct, without supervisory approval and prosecutorial review.

A Department employee seeing or having knowledge of a police action involving misconduct will immediately initiate a citizen complaint on behalf of the alleging party.

If a citizen objects to an officer's conduct that officer will inform the citizen of their right to make a complaint. The officer will give them an information brochure and complaint form. Officers will not discourage any person from making a complaint.

The complainant's willingness to participate in, and the outcome of, a Citizen Complaint Resolution Process (CCRP) meeting will have no bearing on the investigation or the adjudication of that complaint.

If the complainant declines to attend the CCRP meeting, the investigating supervisor is required to notify the complainant of the facts of the investigation and the disposition. The report submitted should include information indicating the complainant was notified or that a sincere effort was made but was unsuccessful.

Preferably police supervisors will accept citizen complaints. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible. It is the accepting supervisor's responsibility to review the complaint. The district/section/unit commander will order additional investigation when appropriate and make the final determination of how the complaint is routed.

Upon receipt, each complaint will be assigned a unique tracking number and will be resolved in writing. All citizen complaints received by the Department will be maintained in a secure location. This includes the Form 648, Citizen Complaint or Information, and all investigative documentation.

The complainant will be kept informed periodically regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

Any officer who used force or chemical spray during the incident, or whose conduct led to the injury of a prisoner, or who authorized the conduct that led to these reportable incidents is prohibited from investigating the incident.

Any officer or supervisor involved in a situation resulting in an official complaint will not be present during any interview with the complainants or witnesses.

Any supervisor identified as a party to an official complaint will not act as the complaint investigator.

**Information:**

Allegations of the following nature will be handled through CCRP:

- Discourtesy/unprofessional attitude.
- Lack of proper service.
- Improper procedure, e.g., offense investigation, use of discretion, official law enforcement practices, and Police Department procedures.

The following types of allegations will be handled by the Internal Investigations Section (IIS) and/or the judicial system, not CCRP:

- Criminal conduct.
- Sexual misconduct.
- Serious misconduct, e.g., severe nature or pattern of procedural violations, lack of service, etc.
- Excessive use of force as defined in Procedure 12.545, Use of Force.
- Unnecessary pointing of firearms at persons.
- Improper searches and seizures.
- Discrimination.

The Hamilton County Clerk of Courts requires a referral from a police agency, the Private Complaint Mediation Program, the Prosecutor's Office or an attorney before they consider probable cause for a complaint and warrant to be issued. If a citizen responds to the Hamilton County Clerk of Courts Office demanding a warrant for a police officer, the Chief Deputy of the Municipal Court, Traffic/Criminal Division will be notified. Upon notification, the Chief Deputy will contact the Police Department.

***Procedure:***

- A. If while investigating a use of force, the individual alleges excessive force then the investigating supervisor will complete a Form 648, Citizens Complaint or Information in the Employee Tracking Solution (ETS). The supervisor will investigate the complaint thoroughly while all participants are present.
  1. Complete a Form 17 summarizing the investigation. Attach the Forms 17 and 648 to the Investigation Report case folder for the use of force in ETS. Work-flow the Form 17, Form 18F, Supervisor's Use of Force Investigation Report, and Form 648 and any attachments through to the district/section/unit commander through the chain of commander for review.
    - a. When work-flowing the documents, "Add Notification" for the following units:
      - 1) Internal Investigations Section.
      - 2) Patrol Bureau.
      - 3) Inspections Section.
  2. If more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force, contact the IIS Commander and the officer's district/section/unit commander.
  3. The affected bureau commander will work-flow the above forms to IIS for investigative review and final approval by the Police Chief.

B. Form 648, Citizen Complaint or Information

1. Complete a Form 648 in when a citizen brings to a Department employee's attention an action, situation, or condition as described in the Information section.

C. Accepting a Citizen Complaint Lodged in Person

1. Give the complainant a Form 648 to complete. Provide instructions on completing the form and have the complainant sign the front side of the form in their own handwriting. The backside is for Department use only.
2. If more space is needed, use additional blank Forms 648.
3. Upon request, help the complainant complete the Form 648.
  - a. If the complainant is given help to complete the form, include a brief statement as to why help was given in the "Details" section.
  - b. Request the Form 648 be signed by the following: complainant, representative of the complainant, or any person assisting the complainant.
    - 1) Witness the signature.
  - c. Police Department personnel helping a complainant prepare the form, must sign in both the "Receiving" and the "Assisting Person" blocks.
4. The accepting employee will review the completed form for content and legibility.
  - a. If a word is not legible, ask the complainant what the word is. Print the proper word directly above the complainant's handwritten word.
  - b. Third party complaints will be handled in the same manner as any other complaint.
5. The receiving employee will ensure all pertinent dates and times are included in the form.
  - a. Attach legible copies of all arrest slips pertaining to the incident.
6. If a complainant refuses to write the complaint in his own handwriting, process the complaint as a telephone complaint. Refer to Section G. of this procedure.
7. The receiving employee will place his name and badge number in the space provided on side one of the Form 648. Provide the complainant with a copy of Page One only which will serve as the complainant's receipt.

- a. Complainants do not receive a copy of the completed Page Two.
  - b. The receiving employee's written observations should not be on the copy given to the complainant.
- 8. After accepting a Form 648 that has been personally filled out and/or signed, this information must be entered onto a Form 648 in ETS. When transferring the information from the original Form 648 into ETS, record the information exactly as it was written, including misspellings, profanity, punctuation, etc. The handwritten original document must then be scanned into the computer and attached to the appropriate ETS folder. The original Form 648 will then be routed through to the district/section/unit commander with any other original documents, pictures, or tapes.
- D. Completing "For Department Use Only" Section of the Form 648, Page Two
  - 1. Outline the allegations, identify principals and witnesses and provide information developed as a result of any preliminary investigation.
    - a. Make sure to include addresses and phone numbers of all principals and witnesses.
  - 2. Enter a description of the complainant's apparent physical condition and demeanor.
    - a. State your reason for believing a complainant was under the influence of an intoxicant and/or drug (do not express opinions regarding their mental competency or veracity).
  - 3. Describe any other traits or conditions displayed by the complainant, which may have a bearing on the allegation and/or investigation of the complaint.
  - 4. Specifically note any visible marks or injuries about the complainant.
    - a. Take photographs when the complaint involves any injury, claimed injury, or damaged clothing, etc., whether visible or not.
      - 1) Clearly label the photos with the complainant's name, date, time taken, and photographer's name and badge number. Attach photographs to the Form 648 for review by the district/section/unit commander.
  - 5. Do not include written observations on the copy given to the complainant.
  - 6. The receiving employee will ensure all information on the form is as complete as possible.

E. Processing the Completed Citizen Complaint Form

1. Work-flow the Form 648 to the affected district/section/unit commander by 0800 hours on the next day. Forward all original documents, photographs, and tapes for their review.
  - a. Complaints eligible for CCRP:
    - 1) Affected district/section/units retain original Form 648 complaint and all pertinent documentation.
    - 2) Upon work-flowing the complaint for assignment, "Add Notification" to IIS of the Form 648 for tracking purposes.
  - b. Complaints not eligible for CCRP:
    - 1) Work-flow the Form 648 with all pertinent documentation to IIS.

F. Accepting a Citizen Complaint by Mail, Email, or Fax

1. Submit citizen complaints received through the mail or via fax to a supervisor. The supervisor will:
  - a. Prepare a Form 648.
  - b. Scan the letter or fax into the computer system and attach to the appropriate ETS case folder.
  - c. Place the original letter or fax in a sealed envelope and process as in Section D.
  - d. Complaints received in the form of email messages will be printed out, scanned into the computer and attached to the appropriate ETS case folder, and then processed as in Section D.

G. Accepting a Citizen Complaint by Telephone or Telecommunications Device for the Deaf (TDD)

1. Refer telephone complaints to a supervisor. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible.
  - a. Make an effort to persuade the complainant to appear in person at a police facility to file the complaint.
  - b. Enter pertinent information on a Form 648. Obtain all the facts necessary to complete the form.
  - c. Get the complainant's name, address, and telephone number. Advise the citizen this information is essential to investigate the complaint.

- 1) Advise a complainant who insists on remaining anonymous this may hamper a proper investigation and disposition of the complaint.
  - d. Print the words "Telephone Complaint" in the box for the complainant's signature.
  - e. Follow the procedure in Section D. for processing the complaint.
  2. TDD complaints will be received by Police Communications Section (PCS) and handled according to their standard operating procedure.
    - a. The affected district/section/unit supervisor, upon notification from PCS, will follow the procedure in Sections D. and G.1.
- H. Assignment, Logging, and Investigation of Citizen Complaints
1. The supervisor assigned the complaint will resolve complaints eligible under CCRP. Any problems or needs identified will be relayed in writing in the form of a recommendation to the Police Chief.
  2. Non-CCRP complaints will be forwarded to IIS and resolved per IIS Standard Operating Procedure (SOP).
- I. Citizen's Complaint Resolution Process
1. The investigating supervisor will thoroughly investigate all allegations. All pertinent information sources will be examined, including but not limited to: the complainant, witnesses, involved officers and witness officers, worksheets, MDT information, offense reports, relevant law, policy and procedure, etc. Investigators will not ask officers or other witnesses leading questions that improperly suggest legal justification for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
    - a. Forward information to the district/section/unit commander for referral to IIS if the investigation reveals the complaint is not suitable for a resolution meeting.
  2. The investigating supervisor will take appropriate action based on the investigation of the complaint.
    - a. The investigating supervisor will make a determination whether or not the member's conduct was consistent with Department policy, procedure, and practice. The supervisor will document the finding in the Form 648B, Resolution Disposition, in ETS.
    - b. Verbal counseling or counseling via the Evaluation Supplement Log (ESL) if the member's conduct does not meet Department standards as determined by the investigation. Add the ESL to the original ETS case folder.
    - c. Hold a complaint resolution meeting with the complainant and the Department member.

3. Resolution Meeting: A resolution meeting will be conducted according to the following guidelines:
  - a. Only the complainant, the involved Department member, and the investigating supervisor/facilitator will attend the resolution meeting. No one else will be present. This allows for the best interaction between the two participants. In cases where there are multiple complainants and multiple officers, meetings will be held for each if necessary. In most cases, a primary complainant will be identified and the case resolved with one meeting.
  - b. The resolution meeting will not be tape-recorded. The resolution meeting will be a sincere effort by all parties to discuss and resolve the problem.
  - c. Resolution meetings will be conducted by the next highest ranking officer than the officer involved in the complaint.
  - d. All parties involved in the resolution meeting will sign a Form 648A, Acknowledgment of Participation in Resolution Meeting. The document will not refer to any discussion, action, agreement, or other aspect of the resolution meeting. The Form 648A is to be scanned into the computer and attached to the appropriate ETS case folder. The original Form 648A will then be routed through channels with any other original documents.
  - e. The supervisor will concisely summarize the resolution meeting on a Form 648B, Resolution Disposition.
  - f. Failure by a complainant to attend the first scheduled resolution meeting will be excused. If a complainant fails to attend a second scheduled resolution meeting, the complaint/problem will be deemed to have been resolved by the supervisor's inquiry and the file will indicate same.
  - g. Supervisors finishing a CCRP complaint investigation will notify the complainant of the facts of the investigation and the disposition if the citizen declines to attend a resolution meeting.
    - 1) The report should include information indicating that this was done or that a sincere effort was made but was unsuccessful, e.g., complainant could not be located, refused to discuss/listen.
4. Record Keeping
  - a. The investigating supervisor will complete a report of the investigation and its findings using the appropriate forms.
  - b. The investigating supervisor will work-flow all CCRP complaint investigation reports via the chain-of-command to their bureau commander for review and approval. All original documents are to be routed by hand through the chain of command.



- c. The bureau commander will make a final determination of the appropriate complaint closure classification according to Section 9.07 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
- d. The bureau commander will work-flow a copy of the CCRP complaint investigation reports to the IIS Commander for an administrative review and finalizing. IIS will note the date closed in the "Resolution Disposition" tab in the Citizen Complaint form in ETS.
- e. CCRP eligible complaints will be evaluated by district/section/unit commanders for underlying problems. Any problems or needs will be relayed in writing in the form of a recommendation to the Police Chief.
- f. IIS will notify Information Technology Management Section (ITMS) of all complaints closed Unfounded or Exonerated for appropriate adjustment in ETS.